

UNITED STATES BANKRUPTCY COURT  
District of New Jersey

IN RE: Lara Delazari-Diogo

Case No.: 17-25496

Judge: RG

Debtor(s)

CHAPTER 13 PLAN AND MOTIONS

☐ Original  
☐ Motions Included

☒ Modified/Notice Required  
☐ Modified/No Notice Required

Date: 11/14/2017

THE DEBTOR HAS FILED FOR RELIEF UNDER  
CHAPTER 13 OF THE BANKRUPTCY CODE.

YOUR RIGHTS WILL BE AFFECTED.

You should have received from the court a separate *Notice of the Hearing on Confirmation of Plan*, which contains the date of the confirmation hearing on the Plan proposed by the Debtor. This document is the actual Plan proposed by the Debtor to adjust debts. You should read these papers carefully and discuss them with your attorney. Anyone who wishes to oppose any provision of this Plan or any motion included in it must file a written objection within the time frame stated in the Notice. Your rights may be affected by this plan. Your claim may be reduced, modified, or eliminated. This Plan may be confirmed and become binding, and included motions may be granted without further notice or hearing, unless written objection is filed before the deadline stated in the Notice. The Court may confirm this plan, if there are no timely filed objections, without further notice. See Bankruptcy Rule 3015. If this plan includes motions to avoid or modify a lien, the lien avoidance or modification may take place solely within the chapter 13 confirmation process. The plan confirmation order alone will avoid or modify the lien. The debtor need not file a separate motion or adversary proceeding to avoid or modify a lien based on value of the collateral or to reduce the interest rate. An affected lien creditor who wishes to contest said treatment must file a timely objection and appear at the confirmation hearing to prosecute same.

THIS PLAN:

☐ DOES ☒ DOES NOT CONTAIN NON-STANDARD PROVISIONS. NON-STANDARD PROVISIONS MUST ALSO BE SET FORTH IN PART 10.

☒ DOES ☐ DOES NOT LIMIT THE AMOUNT OF A SECURED CLAIM BASED SOLELY ON VALUE OF COLLATERAL, WHICH MAY RESULT IN A PARTIAL PAYMENT OR NO PAYMENT AT ALL TO THE SECURED CREDITOR. SEE MOTIONS SET FORTH IN PART 7, IF ANY.

☐ DOES ☒ DOES NOT AVOID A JUDICIAL LIEN OR NONPOSSESSORY, NONPURCHASE-MONEY SECURITY INTEREST. SEE MOTIONS SET FORTH IN PART 7, IF ANY.

Initial Debtor(s)' Attorney CJB

Initial Debtor: L D

Initial Co-Debtor

Part 1: Payment and Length of Plan

a. The debtor shall pay 100.00 Monthly to the Chapter 13 Trustee, starting on December 1, 2017 for approximately 32 months.

b. The debtor shall make plan payments to the Trustee from the following sources:

- ☒ Future Earnings  
☒ Other sources of funding (describe source, amount and date when funds are available): **\$400 already paid into plan.**

c. Use of real property to satisfy plan obligations:

☐ Sale of real property  
 Description:  
 Proposed date for completion: \_\_\_\_\_

☐ Refinance of real property:  
 Description:  
 Proposed date for completion: \_\_\_\_\_

☐ Loan modification with respect to mortgage encumbering property:  
 Description:  
 Proposed date for completion: \_\_\_\_\_

d. ☐ The regular monthly mortgage payment will continue pending the sale, refinance or loan modification.

e. ☐ Other information that may be important relating to the payment and length of plan:

**Part 2: Adequate Protection**

☒ **NONE**

a. Adequate protection payments will be made in the amount of \$ \_\_\_\_ to be paid to the Chapter 13 Trustee and disbursed pre-confirmation to \_\_\_\_ (creditor).

b. Adequate protection payments will be made in the amount of \$ \_\_\_\_ to be paid directly by the debtor(s) outside the Plan, pre-confirmation to: \_\_\_\_ (creditor).

**Part 3: Priority Claims (Including Administrative Expenses)**

a. All allowed priority claims will be paid in full unless the creditor agrees otherwise:

Creditor	Type of Priority	Amount to be Paid
<b>Scura, Wigfield, Heyer, Stevens &amp; Cammarota, LLP</b>	<b>Administrative</b>	<b>Amount to be determined by further application to the court</b>

b. Domestic Support Obligations assigned or owed to a governmental unit and paid less than full amount:

Check one:

☒ None

☐ The allowed priority claims listed below are based on a domestic support obligation that has been assigned to or is owed to a governmental unit and will be paid less than the full amount of the claim pursuant to 11 U.S.C.1322(a)(4):

Creditor	Type of Priority	Claim Amount	Amount to be Paid
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#### Part 4: Secured Claims

##### a. Curing Default and Maintaining Payments on Principal Residence: ☒ NONE

The Debtor will pay to the Trustee (as part of the Plan) allowed claims for arrearages on monthly obligations and the debtor shall pay directly to the creditor (outside the Plan) monthly obligations due after the bankruptcy filing as follows:

Creditor	Collateral or Type of Debt	Arrearage	Interest Rate on Arrearage	Amount to be Paid to Creditor (In Plan)	Regular Monthly Payment (Outside Plan)
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##### b. Curing and Maintaining Payments on Non-Principal Residence & other loans or rent arrears: ☒ NONE

The Debtor will pay to the Trustee (as part of the Plan) allowed claims for arrearages on monthly obligations and the debtor will pay directly to the creditor (outside the Plan) monthly obligations due after the bankruptcy filing as follows:

Creditor	Collateral or Type of Debt	Arrearage	Interest Rate on Arrearage	Amount to be Paid to Creditor (In Plan)	Regular Monthly Payment (Outside Plan)
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##### c. Secured claims excluded from 11 U.S.C. 506: ☒ NONE

The following claims were either incurred within 910 days before the petition date and are secured by a purchase money security interest in a motor vehicle acquired for the personal use of the debtor(s), or incurred within one year of the petition date and secured by a purchase money security interest in any other thing of value:

Name of Creditor	Collateral	Interest Rate	Amount of Claim	Total to be Paid through the Plan Including Interest Calculation
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##### d. Requests for valuation of security, Cram-down, Strip Off & Interest Rate Adjustments ☒ NONE

1.) The debtor values collateral as indicated below. If the claim may be modified under Section 1322(b)(2), the secured creditor shall be paid the amount listed as the "Value of the Creditor Interest in Collateral," plus interest as stated. The portion of any allowed claim that exceeds that value shall be treated as an unsecured claim. If a secured claim is identified as having "NO VALUE" it shall be treated as an unsecured claim.

**NOTE: A modification under this section ALSO REQUIRES the appropriate motion to be filed under Section 7 of the Plan.**

Creditor	Collateral	Scheduled Debt	Total Collateral Value	Superior Liens	Value of Creditor Interest in Collateral	Annual Interest Rate	Total Amount to Be Paid
-NONE-							

2.) Where the Debtor retains collateral and completes the Plan, payment of the full amount of the allowed secured claim shall discharge the corresponding lien.

**e. Surrender** ☐ **NONE**

Upon confirmation, the stay is terminated as to surrendered collateral only under 11 U.S.C. 362(a) and that the stay under 11 U.S.C 1301 be terminated in all respects. The Debtor surrenders the following collateral:

Creditor	Collateral to be Surrendered	Value of Surrendered Collateral	Remaining Unsecured Debt
All Financial	2015 Dodge Challenger	17,500.00	Surrendered in full satisfaction of creditor's claim
Weichert Financial Services	3 Pierson Street Bloomfield, NJ 07003 Essex County	309,000.00	Surrendered in full satisfaction of creditor's claim
Wells Fargo Bank, N.A.	3 Pierson Street Bloomfield, NJ 07003 Essex County	309,000.00	Surrendered in full satisfaction of creditor's claim

**f. Secured Claims Unaffected by the Plan** ☒ **NONE**

The following secured claims are unaffected by the Plan:

Creditor

**g. Secured Claims to be Paid in Full Through the Plan** ☒ **NONE**

Creditor	Collateral	Total Amount to be Paid through the Plan
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**Part 5: Unsecured Claims** ☐ **NONE**

a. **Not separately classified** allowed non-priority unsecured claims shall be paid:

- ☐ Not less than \$ \_\_\_\_ to be distributed *pro rata*
- ☐ Not less than \_\_\_\_ percent
- ☒ *Pro Rata* distribution from any remaining funds

b. **Separately Classified Unsecured** claims shall be treated as follows:

Creditor	Basis for Separate Classification	Treatment	Amount to be Paid
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**Part 6: Executory Contracts and Unexpired Leases** ☒ **NONE**

(NOTE: See time limitations set forth in 11 U.S.C. 365(d)(4) that may prevent assumption of non-residential real property leases in this Plan.)

All executory contracts and unexpired leases, not previously rejected by operation of law, are rejected, except the following, which are assumed:

Creditor	Arrears to be Cured in Plan	Nature of Contract or Lease	Treatment by Debtor	Post-Petition Payment
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**Part 7: Motions** ☐ **NONE**

**NOTE: All plans containing motions must be served on all potentially affected creditors, together with local form, *Notice of Chapter 13 Plan Transmittal*, within the time and in the manner set forth in D.N.J. LBR 3015-1. A *Certification of Service, Notice of Chapter 13 Plan Transmittal and valuation* must be**

filed with the Clerk of Court when the plan and transmittal notice are served.

**a. Motion to Avoid Liens under 11 U.S.C. Section 522(f).** ☒ **NONE**

The Debtor moves to avoid the following liens that impair exemptions:

Creditor	Nature of Collateral	Type of Lien	Amount of Lien	Value of Collateral	Amount of Claimed Exemption	Sum of All Other Liens Against the Property	Amount of Lien to be Avoided
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**b. Motion to Avoid Liens and Reclassify Claim from Secured to Completely Unsecured.** ☒ **NONE**

The Debtor moves to reclassify the following claims as unsecured and to void liens on collateral consistent with Part 4 above:

Creditor	Collateral	Scheduled Debt	Total Collateral Value	Superior Liens	Value of Creditor's Interest in Collateral	Total Amount of Lien to be Reclassified
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**c. Motion to Partially Void Liens and Reclassify Underlying Claims as Partially Secured and Partially Unsecured.** ☒ **NONE**

The Debtor moves to reclassify the following claims as partially secured and partially unsecured, and to void liens on collateral consistent with Part 4 above:

Creditor	Collateral	Scheduled Debt	Total Collateral Value	Amount to be Deemed Secured	Amount to be Reclassified as Unsecured
-NONE-					

**Part 8: Other Plan Provisions**

**a. Vesting of Property of the Estate**

- ☒ Upon Confirmation  
☐ Upon Discharge

**b. Payment Notices**

Creditors and Lessors provided for in Parts 4, 6 or 7 may continue to mail customary notices or coupons to the Debtor notwithstanding the automatic stay.

**c. Order of Distribution**

The Standing Trustee shall pay allowed claims in the following order:

- 1) Ch. 13 Standing Trustee Commissions
- 2) **Other Administrative Claims**
- 3) **Secured Claims**
- 4) **Lease Arrearages**
- 5) **Priority Claims**
- 6) **General Unsecured Claims**

**d. Post-Petition Claims**

The Standing Trustee ☐ is, ☒ is not authorized to pay post-petition claims filed pursuant to 11 U.S.C. Section 1305(a) in the amount filed by the post-petition claimant.

**Part 9: Modification** ☒ **NONE**

If this Plan modifies a Plan previously filed in this case, complete the information below.

Date of Plan being modified: 10/20/2017.

Explain below **why** the plan is being modified:

To surrender real property to Weichert Financial Services and personal property to Ally Financial.

Explain below **how** the plan is being modified:

Ally Financial and Weichert Financial Services added to Part 4, section e.

Are Schedules I and J being filed simultaneously with this Modified Plan? ☐ Yes ☒ No

**Part 10 : Non-Standard Provision(s): Signatures Required**

Non-Standard Provisions Requiring Separate Signatures

☒ NONE

☐ Explain here:

Any non-standard provisions placed elsewhere in this plan are void.

The Debtor(s) and the attorney for the Debtor(s), if any, must sign this Certification.

I certify under penalty of perjury that the plan contains no non-standard provisions other than those set forth in this final paragraph.

Date November 14, 2017

/s/ Christopher J. Balala

Christopher J. Balala 030732010 NJ

Attorney for the Debtor

Date: November 14, 2017

/s/ Lara Delazari-Diogo

Lara Delazari-Diogo

Debtor

Date: \_\_\_\_\_

Joint Debtor

**Signatures**

The Debtor(s) and the attorney for the Debtor(s) if any, must sign this Plan.

Date November 14, 2017

/s/ Christopher J. Balala

Christopher J. Balala 030732010 NJ

Attorney for the Debtor

I certify under penalty of perjury that the above is true.

Date: November 14, 2017

/s/ Lara Delazari-Diogo

Lara Delazari-Diogo

Debtor

Date: \_\_\_\_\_

Joint Debtor

**Certificate of Notice Page 7 of 8**  
 United States Bankruptcy Court  
 District of New Jersey

In re:  
 Lara Delazari-Diogo  
 Debtor

Case No. 17-25496-RG  
 Chapter 13

**CERTIFICATE OF NOTICE**

District/off: 0312-2

User: admin  
 Form ID: pdf901

Page 1 of 2  
 Total Noticed: 25

Date Rcvd: Nov 15, 2017

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Nov 17, 2017.

db  
 516975381 +Lara Delazari-Diogo, 352 Memorial Parkway, Bloomfield, NJ 07003-4263  
 516975382 +Barclays Bank Delaware, P.O. Box 8803, Wilmington, DE 19899-8803  
 ++CAPITAL ONE, PO BOX 30285, SALT LAKE CITY UT 84130-0285  
 (address filed with court: Capital One, 15000 Capital One Dr, Richmond, VA 23238)  
 516975383 +Cb/anntylr, Po Box 182273, Columbus, OH 43218-2273  
 516975384 +Comenity Bank/anntylr, Po Box 182273, Columbus, OH 43218-2273  
 516975385 +Comenitybk/victoriasec, Po Box 182789, Columbus, OH 43218-2789  
 516975386 +Joey Fowler, 403 Briant Park Drive, Springfield, NJ 07081-2169  
 516975387 #+Jose Diogo, 516 Schyler Ave., Kearny, NJ 07032-4102  
 517006966 +Nelnet on behalf of ECMC, PO Box 16408, St. Paul, MN 55116-0408  
 517136848 +Nordstrom, Inc., Jefferson Capital Systems LLC Assignee, Po Box 7999,  
 Saint Cloud Mn 56302-7999  
 517013933 +U.S. Bank National Association Trustee (See 410), c/o Specialized Loan Servicing LLC,  
 8742 Lucent Blvd, Suite 300, Highlands Ranch, Colorado 80129-2386  
 517109615 +Weichert Financial Services, 1 Corporate Drive, Suite 360, Lake Zurich, IL 60047-8945  
 516975392 +Wells Fargo Bank, N.A., 420 Montgomery Street, Attn: Bankruptcy Dept.,  
 San Francisco, CA 94104-1298

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.  
 smg

E-mail/Text: usanj.njbankr@usdoj.gov Nov 15 2017 23:09:39 U.S. Attorney, 970 Broad St.,  
 Room 502, Rodino Federal Bldg., Newark, NJ 07102-2534  
 smg +E-mail/Text: ustpregon03.ne.ecf@usdoj.gov Nov 15 2017 23:09:37 United States Trustee,  
 Office of the United States Trustee, 1085 Raymond Blvd., One Newark Center, Suite 2100,  
 Newark, NJ 07102-5235  
 cr +E-mail/PDF: gecsedirecoverycorp.com Nov 15 2017 23:06:44  
 Synchrony Bank c/o PRA Receivables Management, LLC, PO BOX 41021, Norfolk, VA 23541-1021  
 517027645 E-mail/Text: ally@ebn.phinsolutions.com Nov 15 2017 23:08:49 Ally Capital, PO Box 130424,  
 Roseville MN 55113-0004  
 516975380 +E-mail/Text: ally@ebn.phinsolutions.com Nov 15 2017 23:08:49 Ally Financial,  
 200 Renaissance Ctr, Detroit, MI 48243-1300  
 516975388 +E-mail/Text: electronicbkdocs@nelnet.net Nov 15 2017 23:09:41 Nelnet Loans,  
 6420 Southpoint Pkwy, Jacksonville, FL 32216-0946  
 516975389 +E-mail/Text: bnc@nordstrom.com Nov 15 2017 23:09:03 Nordstrom Fsb, 13531 E Caley Ave,  
 Englewood, CO 80111-6505  
 517131253 E-mail/PDF: PRA\_BK2\_CASE\_UPDATE@portfoliorecovery.com Nov 15 2017 23:13:10  
 Portfolio Recovery Associates, LLC, c/o Barclaycard, POB 41067, Norfolk VA 23541  
 517107883 E-mail/PDF: PRA\_BK2\_CASE\_UPDATE@portfoliorecovery.com Nov 15 2017 23:13:19  
 Portfolio Recovery Associates, LLC, c/o Capital One Bank, N.a., POB 41067,  
 Norfolk VA 23541  
 516975390 +E-mail/PDF: gecsedirecoverycorp.com Nov 15 2017 23:06:44 Synch/care Credit,  
 C/o Po Box 965036, Orlando, FL 32896-0001  
 516978923 +E-mail/PDF: gecsedirecoverycorp.com Nov 15 2017 23:06:58 Synchrony Bank,  
 c/o of PRA Receivables Management, LLC, PO Box 41021, Norfolk, VA 23541-1021  
 516975391 E-mail/Text: bankruptcy@td.com Nov 15 2017 23:09:40 Td Bank N.a., 70 Gray Rd,  
 Portland, ME 04105

TOTAL: 12

\*\*\*\*\* BYPASSED RECIPIENTS (undeliverable, \* duplicate) \*\*\*\*\*

cr\* +Weichert Financial Services, 1 Corporate Drive, Suite 360, Lake Zurich, IL 60047-8945  
 TOTALS: 0, \* 1, ## 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.  
 USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

Addresses marked '++' were redirected to the recipient's preferred mailing address  
 pursuant to 11 U.S.C. 342(f)/Fed.R.Bank.PR.2002(g)(4).

Addresses marked '#' were identified by the USPS National Change of Address system as requiring an update.  
 While the notice was still deliverable, the notice recipient was advised to update its address with the court  
 immediately.

**I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.**

**Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.**

Date: Nov 17, 2017

Signature: /s/Joseph Speetjens

District/off: 0312-2

User: admin  
Form ID: pdf901

Page 2 of 2  
Total Noticed: 25

Date Rcvd: Nov 15, 2017

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## CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on November 14, 2017 at the address(es) listed below:

Christopher J. Balala on behalf of Debtor Lara Delazari-Diogo cbalala@scuramealey.com,  
ecfbkfilings@scuramealey.com;dsklar@scuramealey.com;ascolavino@scuramealey.com;dmedina@scura.com  
David L. Stevens on behalf of Debtor Lara Delazari-Diogo dstevens@scuramealey.com,  
cbalala@scuramealey.com/ecfbkfilings@scuramealey.com;dsklar@scuramealey.com;ascolavino@scuramealey.com;dmedina@scura.com  
Denise E. Carlon on behalf of Creditor U.S. Bank National Association, as Trustee Et Al...  
dcarlon@kmllawgroup.com, bkgroup@kmllawgroup.com  
Denise E. Carlon on behalf of Creditor Citigroup Mortgage Loan Trust Inc., Mortgage  
Pass-Through Certificates, Series 2007-10, U.S. Bank National Association, as Trustee  
dcarlon@kmllawgroup.com, bkgroup@kmllawgroup.com  
Marie-Ann Greenberg magecf@magtrustee.com  
Robert P. Saltzman on behalf of Creditor Weichert Financial Services dnj@pbslaw.org  
U.S. Trustee USTPRegion03.NE.ECF@usdoj.gov

TOTAL: 7